

***EXHIBIT 6***

# A vicious cycle of wasteful spending of money and lives

(Low Risk to Re-Offend = Parole Denial = State Loses Money =  
Teachers Lose Jobs = Uneducated Kids Go To Prison)

	Name and #	Dump (next hearing date)	Paroling to Consecutive Sentence(s)	Cost to the State
1	Phillip Covarrubias #83979	To Expiration	Yes	\$120,000
2	John Basham #51119	5 years	No	\$100,000
3	Ron Chalmers #60629	5 years	No	\$100,000
4	Ronnie Hinshaw #47983	5 years	Yes	\$100,000
5	Lyle Urban #60410	5 years	No	\$100,000
6	Jason Wilcox #88401	To Expiration	No	\$60,000
7	Dominick Cacoperdo #19546	3 years	Yes	\$60,000
8	Alejandro Oseguera #80784	3 years	No	\$60,000
9	Mark Guth #73475	3 years	Yes	\$60,000
10	Richard Capri #64644	3 years	Yes	\$60,000
11	Robert Entrikin #90923	3 years	No	\$60,000
12	*Robert Stockmeier #32425	3 years	Yes	\$60,000
13	John Nicholas #34076	3 years	Yes	\$60,000
14	*Scott Fletcher #12686	3 years	No	\$60,000
15	Nelson Pratt #23163	3 years	No	\$60,000
16	Phillip Lyons #33833	3 years	Yes	\$60,000
17	Terrence White #78250	3 years	No	\$60,000
18	Chad Baker #1004541	3 years	Yes	\$60,000
19	*E. John Werner #49376	2 years	Yes	\$40,000
20	*Larry Young #22263	2 years	No	\$40,000
21	*Allen LaBarge #78642	2 years	Yes	\$40,000
22	Tyrone Sam #101884	1 year	No	\$20,000

\*Mr. Stockmeier has been denied five times even though every assessment he has been deemed 'low risk' by the Parole Board and he is merely going to another consecutive sentence. He has served nearly twice the minimum time on just his first sentence.

\*Mr. Fletcher has been incarcerated over 33 years for a crime he committed when he was 17 years old. He has received clemency at a previous Pardon's Board to run his sentences concurrently, yet he is now over 50 years old who barely weighs 115 pounds and he sits in prison even though he has not had a write-up in over 20 years.

\*Mr. Werner's last Risk Assessment stated he was housed in a woman's facility and his scores also contained calculation errors. He was deemed 'low risk' to re-offend, and still has a 5 to 20 year consecutive sentence to serve.

\*Mr. Young's NDOC Offender Data states he has had 25 Parole Board hearings and he is currently paroled, yet he was denied until 12/3/10 at his last hearing. Mr. Young is a decorated veteran, deemed low risk to re-offend, and never received a disciplinary write-up, programmed positively, and worked while being incarcerated. What is the justification for the cost to the state, and the anguish for both the inmate and the victim for 25 Parole Board Hearings over 20+ years of being in prison?

\*Mr. LaBarge has been denied three times on his first sentence, two of which he was deemed 'low risk,' and he has two more consecutive sentences to serve before being released from prison.

Cost to the state of not paroling offenders who have served their minimum sentence and have been determined by the Parole Board to be a Low Risk to re-offend for JUST THESE FEW EXAMPLES:

**\$1,440,000+**



The Parole Board has worked with Dr. Austin, a consultant hired by the state, to develop a better Risk Assessment Worksheet. The purpose of this tool is to assist the Parole Board to make better decisions whether to grant or deny parole. What justification does the Parole Board have to make a decision to deny parole to an inmate who is deemed a 'Low Risk' to re-offend, when they are merely going to a consecutive sentence and not being released to the streets anyway?

The most common response given is 'due to the nature of the crime' (or crime severity code). Shouldn't consideration be given to the ACTUAL recidivism statistics? For example, according to Dr. Austin, murderers have less than 1% likelihood of recidivism, while I have heard that C, D, and E Felons are as high as 75% likely to re-offend.

Is it not our elected Judge's jobs to assign the appropriate minimum sentence for the crime? If we don't trust the elected and qualified judges to have the proper discretion when sentencing offenders, what makes the appointed and hired staff of the Parole Board qualified to over-ride a Judge's order, based on the same information?

What kind of message does this send to a criminal? Do well, you will get a low risk assessment, but you will be denied parole and get the maximum dump anyway? What incentives do they have to do well or continue rehabilitation?

**The Elected Judge should sentence offenders appropriately based on the law and the nature of the crime.  
The Parole Board should evaluate rehabilitation and grant/deny parole only on the risk of re-offense.**

See Ronald Singler's case No. C054634 (Super. Ct. No. 64078) Filed December 10, 2008

[http://www.dailycasereport.com/index.php?q=open\\_pdf/5207](http://www.dailycasereport.com/index.php?q=open_pdf/5207) :

*"It is well established that a policy of rejecting parole solely upon the basis of the type of offense, without individualized treatment and due consideration, deprives an inmate of due process of law."*

*[Citation.]*" (Lawrence, *supra*, 44 Cal.4th at p. 1210.)

*"In sum, the Board "may base a denial-of-parole decision upon the circumstances of the offense, or upon other immutable facts such as an inmate's criminal history, but some evidence will support such reliance only if those facts support the ultimate conclusion that an inmate continues to pose an unreasonable risk to public safety."*

While we have put more than 1 in 100 of our citizens in prison, our nation's economy has crumbled to its knees. Several states, including ours, are going broke while our prisons are busting at the seams depleting funding from education and community support.

### **PROPOSALS**

One of the issues proposed in AB 416 in the last legislative session was to streamline consecutive institutional paroles. If the inmate programs positively, has a low/no risk of re-offending, and has not committed an additional crime while incarcerated, s/he would be granted an institutional parole to the next sentence after completing the minimum of the longest sentence imposed by the Judge. This legislative session we have AB424 which would also improve the parole process and save the tax payers millions of dollars. Please support AB424!

Re-evaluate the sentence structures of those who have been incarcerated over 10 years. Many of these offenders have the lowest recidivism rates. Modify consecutive sentences to concurrent if deemed 'low risk' to re-offend due to programming and successful rehabilitation.

### **Closing Thought:**

If you put a violent person in a violent place and s/he does NOT continue any violent behavior, does that not clearly indicate 'correction' of their original behavior?

One might say that it is **because** they are in a 'controlled environment' and if given freedom, they may return to violence. I strongly disagree. It is a well known fact that 'survival' in prison, whether it's a Correction Officer, or an Inmate, may result in a violent act. So, for one to 'survive' in prison and NOT resort to violence, should clearly show rehabilitation.

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